IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3607 OF 2006.

1. Dagu Punja Phad
2. Ananda Dagu Phad
3. Vilas Dagu Phad .. Applicants.

V/s

State of Maharashtra .. Respondents.

Shri R.D. Surayawanshi for the applicants.
Shri R.Y. Mirza, APP for the State.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 17TH OCTOBER, 2006.

P.C.

. The applicants are arrested in connection with C.R.82 of 2006 registered with Niphad Police Station, alleging offences punishable under Section 498-A, 304-A, 302 r/w 34 of Indian Penal Code.

2. About 12 persons including the husband of the deceased were arrested at the instance of the complainant, who is uncle of the deceased. The F.I.R. was registered on his complaint and it was specific case of the complainant that the husband and in-laws of the deceased Manisha were harassing and ill-treating her on account of which she has stayed away from the family for about two years. After her return to the matrimonial

home, once again she was harassed and demand of Rs. 10,000/- was made. It is in such circumstances that incident occurred and considering the external injuries on the person of the deceased, this is not a fit case where the applicants should be enlarged on bail is the contention of the APP.

3. The investigations are complete and charge-sheet was filed in the trial Court. Two applications of the applicants prior to the filing of the charge-sheet and two on subsequent occasions have been rejected by the learned Sessions Judge. The applicants preferred the application along with the husband of the deceased. The husband's application was rejected. Some other family members including ladies have been enlarged on bail.

4. Mr. Suryawanshi appearing for the applicants submits that considering the statement of the complainant, the allegations are against all family members and it is not possible to attribute a specific role to the applicants who are the father-in-law and the brother-in-laws of the deceased.

5. After having perused the relevant statements

with the assistance of Shri Surayavanshi and Shri Mirza, so also medical certificate setting out the nature of the injuries, in my view, the applicants' case is on par with the co-accused who have been enlarged on bail. Thus, the applicants deserve to be enlarged on bail on the same grounds as are available to the co-accused. Further, it appears that the allegations are common to all the in-laws. In such circumstances, the following order would serve the ends of justice.

i) The applicants arrested in connection with C.R. No.82 of 2006 registered with Niphad Police Station shall be enlarged on bail subject to furnishing a personal bond of Rs. 5000/- each with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicants shall report to Niphad Police station once in a fortnight till the conclusion of the trial.

iii) The order of bail will be given effect only after the applicants furnish to the investigating officer the details about their place of residence and address where they proposes to stay after they are

enlarged on bail. The applicants will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicants shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicants shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C. DHARMADHIKARI, J.)